

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Appl. No : 10/005,052**  
**Applicant : Monsalve-Gonzalez et al.**  
**Filed : December 4, 2001**  
**Title : Bran and Bran Containing Product of**  
**Improved Flavor and Methods of Preparation**

**TC/A.U. : 1794**  
**Examiner : Tran Lien, Thuy**

**Docket No. : 5553**

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Sir:

This paper is filed in response to the Notice of Non-Compliant Appeal Brief dated May 27, 2009 issued in the above-identified U.S. patent application.

**Replacement Summary of Claimed Subject Matter** begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is directed to bran and bran containing products of improved flavor and methods of preparation. More specifically, a mild oxidation process is employed to chemically alter bran such that the bran has a reduced ferulic acid concentration and an elevated vanillin concentration. See the summary on page 3 of the application. More specifically, the present invention, as defined by claim 1, is a method for treating a grain based product bran including reacting bran with 0.1 to 1 parts ozone per 100 parts bran to produce treated bran having a reduced ferulic acid finished concentration of less than 30 ppm, and wherein the bran has an elevated finished concentration of vanillin. See page 13, lines 5-7; page 14, lines 8-10; and page 15, lines 4-6.

Claim 3 further defines the invention by providing that the finished ferulic concentration of the bran is less than 50% of the native concentration of the bran. See page 13, lines 5-9.

Similarly, claim 5 further defines the invention by providing that the finished concentration of vanillin is at least twice the native concentration of vanillin. See page 14, lines 8-12.

The present invention is further defined by the method of claim 10, wherein bran is treated with a chelating agent, the pH of the bran is reduced with acid to about 4-6, the bran is reacted with ozone to produce treated bran having a reduced ferulic acid finished concentration, and the treated bran is blanched to produce a blanched bran having an elevated concentration of vanillin. See page 9, line 14 through page 10, line 21; page 11, line 9 through page 12, line 5; and page 12, lines 19-22.

Claim 19 further limits claim 10 and requires that 100 parts acidified bran is contacted with about 0.3 to 0.7 parts ozone. See page 15, lines 4-6.

Products of the present invention are set forth in claims 33-36, 39, 40 and 45. More specifically, products are produced having a reduced ferulic acid concentration of less than 30 ppm and elevated vanillin content. See page 13, lines 5-9 and pages 16-19.

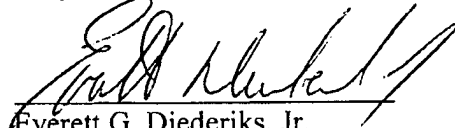
Products of the present invention are also set forth in claims 37 and 38. Such products have a reduced ferulic acid concentration and an elevated concentration of vanillin. See pages 16-19.

Independent claim 41 is directed to a grain product comprising cereal bran having a ferulic acid concentration of less than 30 ppm and an elevated concentration of vanillin. See page 4, lines 14-18; page 13, lines 5-9; and page 14, lines 9-10.

**REMARKS/ARGUMENTS**

In view of the new section provided herein, the Applicant requests reconsideration of the Appeal Brief filed May 27, 2009.

Respectfully submitted,



Everett G. Diederiks, Jr.  
Attorney for Applicant  
Reg. No. 33,323

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**DIEDERIKS & WHITELAW, PLC**  
12471 Dillingham Square, #301  
Woodbridge, VA 22192  
Tel: (703) 583-8300  
Fax: (703) 583-8301